

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MERLINDA E. O.,  
Plaintiff,**

**vs.**

**LELAND DUDEK,<sup>1</sup>  
Commissioner of Social Security,  
Defendant.**

**CIV. NO. 1:24-cv-00459-KRS**

**ORDER GRANTING DEFENDANT'S UNOPPOSED MOTION FOR REMAND TO  
AGENCY PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g)**

Defendant, Commissioner of the Social Security (“Commissioner”), has filed an unopposed motion with this Court (Doc. 20), pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the case to the Commissioner for further administrative proceedings. Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request for remand of this action for further proceedings, this Court hereby **REVERSES** the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** to the Commissioner for further administrative proceedings. *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

**IT IS SO ORDERED.**

  
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**THE HONORABLE KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Michelle King as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).